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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,029	03/02/2004	Jay S. Walker	03-013	1254
22927	7590	06/20/2007		
WALKER DIGITAL MANAGEMENT, LLC				
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STAMFORD, CT 06905				
			EXAMINER	
			NGUYEN, DAT	
			ART UNIT	PAPER NUMBER
			3714	
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			06/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

HH

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,029	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Dat T. Nguyen	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,6-12,15,17-23,26,28-35 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-12,15,17-23,26,28-35 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to the amendments filed on 04/12/2007 in which applicant adds new claim 38 and responds to claim rejections. Claims 1, 4, 6-12, 15, 17-23, 26, 28-35 and 38 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 6-8, 10, 12, 15, 17-19, 21, 23, 28-30, 32, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow (US 6,695,696 B1) in view of Bennett et al. (US Patent Pub. 2003/0001338 A1).

Regarding independent claims 1, 4, 6, 12, 15, 23, 26, 35 and 38, Kaminkow teaches a gaming device having that secondary display for providing the user with winning payline information. More specifically, Kaminkow teaches a slot machine comprising:

- a. A processor (feature 38);
- b. A first display coupled to the processor and operable to display a non-linear outcome, the non-linear outcome including a set of reel positions that are disposed along a line that is not straight, each reel position including at least one symbol (See figure 7 and the description thereof);

c. The first display screen displays the outcome in a conventional manner wherein the non-linear outcomes are displayed in a non-linear manner (figure 7); Kaminkow fails to explicitly disclose displaying the non-linear outcome as a horizontal or straight linear outcome. Bennett et al. however teaches displaying in a secondary display an indication of the winning game outcome in a horizontal linear format (figures 7-9). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to redisplay nonlinear outcomes as horizontal linear outcomes as taught by Bennett et al. in order to make reading the results of the outcome easier for players.

2. Regarding claims 6, 17 and 28, wherein the second display displays an indication of which outcomes are winning outcomes (col. 10, lines 24-38; winning outcomes receiving a payout are highlighted).

3. Regarding claims 7, 18 and 29, wherein the second display further displays an indication of which outcomes are non-winning outcomes. As stated in the discussion regarding claim 6, 17 and 28, the winning outcomes are highlighted therefore non-winning outcomes are not highlighted which can be considered an indication of a non-winning outcome.

4. Regarding claims 8, 19 and 30, wherein the second display further displays an indication of outcomes upon which a wager was placed (col. 12, lines 38-52; the second display further comprises a table for the payout of each payline, therefore the player bidding on various paylines will receive a payout table which indicates which paylines they've played and their payout corresponding to each payline).

5. Regarding claims 10, 21 and 32, wherein the second display only displays winning outcomes (col. 11, lines 20-45).

6. Claims 6, 9, 15, 20, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claims 6, 15 and 26 above and further in view of Falconer (US Pub. 2003/0060268).

Kaminkow teaches a slot machine, method and supplemental display as discussed in greater detail above. However, Kaminkow does not explicitly teach display an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome. In a related gaming device, Falconer teaches a slot machine having multiple displays (features 30, 32 and figure 1B). The slot machine displays paylines not chosen by the player in order to increase player excitement by providing the player with information (payout amounts) on paylines not wagered on by the player that would have been won had the player wagered on the not chosen paylines (paragraph 45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the display of Kaminkow to display an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome as taught by Falconer in order to increase the player excitement as desirably taught by Falconer in paragraph 45.

7. Claims 6, 11, 15, 22, 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claims 6, 15 and 26 above and further in view of Singer et al. (US Pub. 2004/0192431)

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8. Kaminkow is silent regarding displaying the winning outcomes separately from the non-winning outcomes. Singer discloses that winning outcomes are separately displayed from non-winning outcomes (Figures 5B and 7 along with the related description thereof, wherein winning and non-winning outcomes are separately displayed on a reel set displays 200a, 200b, 200c, 200d and 200e). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the display of Kaminkow to indicate non-winning outcomes on a display separately from winning outcomes as taught by Singer in order to allow players the ability to easily and quickly assess the outcome of the game of chance.

9. Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow as applied to claim 26 above and further in view of Benbrahim (US Pub. 2003/0186736).

Kaminkow does not explicitly teach displaying an explanation of why an outcome is a winning outcome or a non-winning outcome. In a related gaming device, Benbrahim teaches a slot machine that allows a player to play multiple paylines simultaneously (Fig. 8 and the related description thereof). An explanation of why an outcome is a winning outcome or a non-winning outcome is displayed on the screen 450 (Fig. 8) to help clarify winning outcomes and non-winning outcomes to players requiring assistance to decipher winning outcomes and payout totals (paragraph 3 and 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display of Kaminkow to display an explanation of why an outcome is a winning outcome or a non-winning outcome as taught by Benbrahim in

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order to clarify winning outcomes and non-winning outcomes to players as taught by Benbrahim in paragraph 3 of Benbrahim.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

  
Robert Pezzuto  
Supervisory Patent Examiner  
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